IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No.3301 of 2015
Date of decision : 21.10.2016

Priti

.....Appellant

Versus

Rakesh Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Sumit Sangwan, Advocate for appellant.

Mr. Punit Jain, Advocate for respondent-Insurance Company.

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DARSHAN SINGH, J.

The present appeal has been preferred by the appellant-claimant against the award dated 20.03.2015, passed by learned Motor Accidents Claims Tribunal, Bhiwani (hereinafter called the "Tribunal"), vide which appellant Smt. Priti the widow of deceased Pawan and respondent No.4 Smt. Dayawanti, the mother of deceased Pawan, have been awarded compensation to the tune of ₹12,64,000/- on account of the death of said Pawan in the motor vehicular accident which took place on 08.02.2013.

2. The present appeal has been preferred by appellant-claimant Smt. Priti, the widow of the deceased, for the enhancement of the amount of compensation.

3. I have heard learned counsel for the parties and gone through the paper-book meticulously.

4. Initiating the arguments, learned counsel for the appellant-claimant contended that the learned Tribunal has awarded only ₹10,000/-

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towards loss of consortium to the appellant. It should have been ₹ 1,00,000/-.

5. Learned counsel for respondent-Insurance Company cannot repel the aforesaid plea raised by learned counsel for the appellant in view of the settled legal position.

6. I have duly considered the aforesaid contentions.

7. It is pertinent to mention that in the original award dated 20.03.2015, there was arithmetical mistakes in the calculation of the awarded amount. Later on, on the basis of an application moved by the claimant, the learned Tribunal has passed the order dated 20.11.2015. The certified copy thereof has been placed on record, whereby the arithmetical mistakes in calculation of the award amount have been corrected and the correct awarded amount comes to ₹ 12,64,000/-.

8. The only plea raised by learned counsel for the appellant is that less amount on account of loss of consortium has been awarded to the appellant, the widow of deceased Pawan. The learned Tribunal has awarded only ₹10,000/- towards loss of consortium to the appellant. As per the latest judicial precedents, the widow is entitled to ₹1,00,000/- as loss of consortium. So, the compensation under the head of loss of consortium to the appellant is enhanced from ₹10,000/- to ₹1,00,000/-. In this way, the total amount of compensation comes to ₹13,54,000/-, which is payable to appellant-claimant and proforma respondent No.4.

9. Thus, keeping in view my aforesaid discussion, the present appeal is hereby partly allowed. The amount of compensation payable to the appellant-claimant and proforma respondent No.4 is enhanced to

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₹ 13,54,000/- from ₹ 12,64,000/- as awarded by the Tribunal. The enhanced amount of ₹ 90,000/- towards loss of consortium shall be payable to appellant-claimant, the widow of deceased Pawan. The appellant-claimant shall also be entitled to interest at the rate as determined by the learned Tribunal on the enhanced amount from the date of filing the petition till realisation. The liability to pay the enhanced amount of compensation and the apportionment amongst the claimants shall remain same as determined by the learned Tribunal in the main award.

21.10.2016 **(DARSHAN SINGH)**
sunil yadav **JUDGE**

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No

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